IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21845 of 2005

DATED: 3-4-2006

Between:

Y.Chinna Babu petitioner

And

APSRTC,

Musheerabad, Hyderabad,

Rep by its Chairman and Managing Director and another REspondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.21845 OF 2005

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not absorbing the petitioner in the post of Driver/Cleaner/Checker or in any other

suitable post.

The petitioner claims to have worked as a Driver on private
Bus No. APS 5567 on route Burjja To Enakarayapuram during the period from 12.2.1985 to 12.11.1987, which route was nationalized in December 1987. It is alleged that the owner of the said bus has recommended the name of the petitioner to the respondent corporation for absorption in a suitable post, however no action was taken thereon. Questioning
non-consideration of his case for appointment, petitioner filed W.P. No. 24159 of 1998. Pursuant to interim directions granted in the said writ petition, the petitioner was called for interview and ultimately by order dated 11.9.2000 his case was rejected on the ground that there is ban on appointment of displaced employees in terms of Circular Memo No. 61/98 dated 16.7.1998. Hence, the present writ petition seeking a direction to the respondents to absorb him in a suitable post under displaced persons quota.

Learned counsel for petitioner submitted that though the petitioner has submitted the relevant documents in support of his claim and the owner of the bus recommended his name for absorption, the respondent corporation has rejected the case of the petitioner for appointment in any suitable post and sought for interference of this Court and to issue necessary directions to the respondents.

A counter affidavit is filed on behalf of respondents stating that at the time of nationalization of the subject route, the name of the petitioner was not sponsored by the owner of the bus and the petitioner could not prove that he is a genuine displaced employee of the subject bus. It is also stated that except the Xerox wage slip, the petitioner has not produced any documents like P.F. recovery particulars, service certificate, elimination proceedings issued by the owner of the vehicle, as such he is not entitled for absorption under displaced employees quota.

The learned Standing Counsel for respondent corporation submitted that except a Xerox copy of the wage slip, the petitioner has not furnished any documents indicating his engagement and the authorities on consideration of the matter, in the absence of necessary documentary proof of his engagement has rightly rejected his case and the same cannot be said to be illegal.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

After hearing both the counsel, learned counsel for petitioner was directed to produce the original copies of the documents like Provident Fund recovery slips, service certificate or elimination proceedings so as to prove the engagement of the petitioner on the subject bus, however, he expressed his inability to produce the same.

In the absence of authenticated documents like Provident Fund recovery particulars, Service Certificate etc to prove that the petitioner is a genuine displaced employee, no direction can be given to respondents to absorb the petitioner under displaced persons quota. Hence, the action of the respondents in rejecting the claim of the petitioner needs no interference by this Court.

There are no merits in the writ petition. Accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATE: 3.4.2006

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